



J-3920

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Franco ZOBELE) Examiner: T. Campbell
Application No.: 10/776,160) Group Art Unit: 3742
Filed: February 12, 2004)
For: ELECTRICAL EVAPORATOR) September 21, 2005
WITH RATCHETING WICK)
ADJUSTER)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action dated August 25, 2005, Applicant requests favorable reconsideration and allowance of the subject application in view of the following remarks.

Claims 1 and 3-20 are currently pending, of which claims 1, 15, and 18 are independent.

In the Office Action dated August 25, 2005, claims 1-5, 9-13, 15, and 18 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0138241 A1 by Pedrotti et al. Claims 6-8, 14, 16, 17, 19, and 20 were objected to as

being dependent upon a rejected base claim, but were indicated as containing allowable subject matter. Applicant thanks the Examiner for his indication that claims 6-8, 14, 16, 17, 19, and 20 contain allowable subject matter, but respectfully traverses the rejections of the other claims.

Independent claim 1 relates to an evaporator that includes a bottle containing a substance to be evaporated, and a wick having a lower portion disposed in the substance in the bottle and an upper portion protruding from the bottle. The evaporator also includes a housing adapted to receive the bottle and wick, an electrical plug assembly, a heating device, and an adjuster adapted to adjust a spacing of the wick relative to the heating device. The adjuster includes a ratcheting mechanism that retains the adjuster in any one of a plurality of discrete adjustment settings. As discussed at paragraphs 0036-0038 of the specification, for example, the ratcheting action of the adjuster makes it easier for a user to quickly adjust the evaporation rate of the evaporator by a predetermined amount. It also simplifies repeatability of adjustment.

Independent claim 15 also relates to an evaporator including a bottle and wick, a housing adapted to receive the bottle and wick, an electrical plug assembly, a heating device, and an adjuster adapted to adjust a spacing of the wick relative to the heating device. As in claim 1, the adjuster recited in claim 15 includes a ratcheting mechanism that retains the adjuster in any one of a plurality of discrete adjustment settings. Claim 15 additionally recites that the electrical plug assembly includes a rotatable plug deck having a locking mechanism.

Independent claim 18 similarly relates to an evaporator including a bottle and wick, a housing adapted to receive the bottle and wick, an electrical plug assembly, a heating device, and an adjuster adapted to adjust a spacing of the wick relative to the heating device. As

recited in claim 18, the adjuster includes a retaining dog that is biased into contact with the housing to retain the adjuster in any one of a plurality of discrete adjustment settings.

Applicant submits that the Pedrotti et al. publication does not teach or suggest the features of Applicant's invention recited in independent claims 1, 15, and 18.

The same issues raised in the present Office Action were previously raised in the Office Action dated October 18, 2004. In that Office Action, the Examiner rejected independent claims 1 and 15 as being anticipated by U.S. Patent No. 6,466,739 to Ambrosi et al., which discloses an electric evaporator that includes a mechanism for displacing a wick toward or away from a heating device. On January 14, 2005, Applicant amended claims 1 and 15 to recite that the adjuster of the present invention includes a ratcheting mechanism that retains the adjuster in any one of a plurality of discrete adjustment settings. Applicant pointed out that the adjuster disclosed in the Ambrosi et al. patent, by contrast, permits continuous adjustment between minimum and maximum levels, but does not include a ratcheting mechanism for attaining discrete adjustment settings. (Ambrosi et al., col. 4, lines 47-55.) The Examiner thereafter withdrew the rejections based on the Ambrosi et al. patent.

The Pedrotti et al. publication cited in the present Office Action is a continuation-in-part of the application that issued as the Ambrosi et al. patent, and Figures 12-16 of the Pedrotti et al. publication appear to depict the same evaporator embodiment that is disclosed in the Ambrosi et al. patent. The additional evaporator embodiment shown in the other figures of the Pedrotti et al. publication likewise features an adjustment mechanism for moving the wick toward or away from a heating device, but again there is no illustration or mention of a ratcheting mechanism for attaining discrete adjustment settings. Rather, the wick adjuster disclosed in the

Pedrotti et al. publication appears to permit continuous adjustment "anywhere in between the minimum and maximum settings." (Pedrotti et al. ¶ 0047; emphasis added.)

Applicant was aware of the Pedrotti et al. publication at the time the subject application was filed. Indeed, paragraph 0003 of the specification discusses the Pedrotti et al. publication as being part of the state of the art upon which the present invention improves, and notes that "perceived shortcomings of these [prior art] adjustable evaporators are that they are difficult to adjust in discrete intervals and that repeatability of adjustment is difficult."

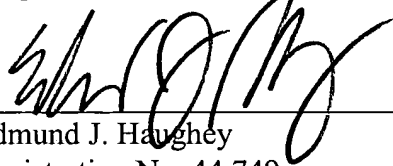
Applicant submits that independent claims 1, 15, and 18 are patentable over the Pedrotti et al. publication for exactly the same reasons the Examiner found persuasive with respect to the Ambrosi et al. patent -- namely, that the prior art fails to teach or suggest an adjuster including a ratcheting mechanism that retains the adjuster in any one of a plurality of discrete adjustment settings, as recited in independent claims 1 and 15, or a retaining dog that is biased into contact with the housing to retain the adjuster in any one of a plurality of discrete adjustment settings, as recited in independent claim 18. Applicant, therefore, requests favorable reconsideration and withdrawal of the rejections of those claims.

The rest of the claims variously depend from independent claims 1, 15, and 18, and are believed to be patentable for at least the same reasons. Further individual consideration of the dependent claims is requested.

Applicant submits that the subject application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the Office Action, and an early Notice of Allowance are requested.

Applicant's undersigned attorney can be reached in the Washington, D.C. office of Fitzpatrick, Cella, Harper & Scinto by telephone at (202) 530-1010. All correspondence should continue to be directed to the address given below for S.C. Johnson & Son, Inc.

Respectfully submitted,



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